

111TH CONGRESS
1ST SESSION

S. 806

To provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2009

Mr. VOINOVICH (for himself and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Executive
5 Board Authorization Act of 2009”.

6 **SEC. 2. FEDERAL EXECUTIVE BOARDS.**

7 (a) IN GENERAL.—Chapter 11 of title 5, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§ 1106. Federal Executive Boards**

2 “(a) PURPOSES.—The purposes of this section are
3 to—

4 “(1) strengthen the coordination of Government
5 activities;

6 “(2) facilitate interagency collaboration to im-
7 prove the efficiency and effectiveness of Federal pro-
8 grams;

9 “(3) facilitate communication and collaboration
10 on Federal emergency preparedness and continuity
11 of operations to address homeland security issues,
12 including natural disasters, acts of terrorism, and
13 other man-made disasters, outside the Washington,
14 DC metropolitan area; and

15 “(4) provide stable funding for Federal Execu-
16 tive Boards.

17 “(b) DEFINITIONS.—In this section:

18 “(1) AGENCY.—The term ‘agency’—

19 “(A) means an Executive agency as de-
20 fined under section 105; and

21 “(B) shall not include the Government Ac-
22 countability Office.

23 “(2) DIRECTOR.—The term ‘Director’ means
24 the Director of the Office of Personnel Management.

25 “(3) FEDERAL EXECUTIVE BOARD.—The term
26 ‘Federal Executive Board’ means an interagency en-

1 tity established by the Director, in consultation with
2 the headquarters of appropriate agencies, in a geo-
3 graphic area with a high concentration of Federal
4 employees outside the Washington, DC metropolitan
5 area to strengthen the management and administra-
6 tion of agency activities and coordination among
7 local Federal officers to implement national initia-
8 tives in that geographic area.

9 “(c) ESTABLISHMENT.—

10 “(1) IN GENERAL.—The Director shall establish
11 Federal Executive Boards in geographic areas out-
12 side the Washington, DC metropolitan area. Before
13 establishing Federal Executive Boards that are not
14 in existence on the date of enactment of this section,
15 the Director shall consult with the headquarters of
16 appropriate agencies to determine the number and
17 location of the Federal Executive Boards.

18 “(2) MEMBERSHIP.—Each Federal Executive
19 Board for a geographic area shall consist of an ap-
20 propriate senior officer for each agency in that geo-
21 graphic area. The appropriate senior officer may
22 designate, by title of office, an alternate representa-
23 tive who shall attend meetings and otherwise rep-
24 resent the agency on the Federal Executive Board in
25 the absence of the appropriate senior officer. An al-

1 ternate representative shall be a senior officer in the
2 agency.

3 “(3) LOCATION OF FEDERAL EXECUTIVE
4 BOARDS.—In determining the location for the estab-
5 lishment of Federal Executive Boards, the Director
6 shall consider—

7 “(A) whether a Federal Executive Board
8 exists in a geographic area on the date of enact-
9 ment of this section;

10 “(B) whether a geographic area has a
11 strong, viable, and active Federal Executive As-
12 sociation;

13 “(C) whether the Federal Executive Asso-
14 ciation of a geographic area petitions the Direc-
15 tor to become a Federal Executive Board; and

16 “(D) such other factors as the Director
17 and the headquarters of appropriate agencies
18 consider relevant.

19 “(d) ADMINISTRATION AND OVERSIGHT.—

20 “(1) IN GENERAL.—The Director shall provide
21 for the administration and oversight of Federal Ex-
22 ecutive Boards, including—

23 “(A) establishing staffing policies in con-
24 sultation with the headquarters of agencies par-
25 ticipating in Federal Executive Boards;

1 “(B) designating an agency to staff each
2 Federal Executive Board based on rec-
3 ommendations from that Federal Executive
4 Board;

5 “(C) establishing communications policies
6 for the dissemination of information to agen-
7 cies;

8 “(D) in consultation with the headquarters
9 of appropriate agencies, establishing perform-
10 ance standards for the Federal Executive Board
11 staff;

12 “(E) developing accountability initiatives
13 to ensure Federal Executive Boards are meet-
14 ing performance standards; and

15 “(F) administering Federal Executive
16 Board funding through the fund established in
17 subsection (f).

18 “(2) STAFFING.—In making designations under
19 paragraph (1)(B), the Director shall give preference
20 to agencies staffing Federal Executive Boards.

21 “(e) GOVERNANCE AND ACTIVITIES.—Each Federal
22 Executive Board shall—

23 “(1) subject to the approval of the Director,
24 adopt by-laws or other rules for the internal govern-
25 ance of the Federal Executive Board;

1 “(2) elect a Chairperson from among the mem-
2 bers of the Federal Executive Board, who shall serve
3 for a set term;

4 “(3) serve as an instrument of outreach for the
5 national headquarters of agencies relating to agency
6 activities in the geographic area;

7 “(4) provide a forum for the exchange of infor-
8 mation relating to programs and management meth-
9 ods and problems—

10 “(A) between Federal officers and employ-
11 ees in the Washington, DC area and Federal of-
12 ficers and employees in the geographic area;
13 and

14 “(B) among field elements in the geo-
15 graphic area;

16 “(5) develop local coordinated approaches to the
17 development and operation of programs that have
18 common characteristics;

19 “(6) communicate management initiatives and
20 other concerns from Federal officers and employees
21 in the Washington, DC area to Federal officers and
22 employees in the geographic area to achieve better
23 mutual understanding and support;

24 “(7) develop relationships with State and local
25 governments and nongovernmental organizations to

1 help in coordinating emergency management and
2 homeland security issues; and

3 “(8) take other actions as agreed to by the
4 Federal Executive Board and the Director.

5 “(f) FUNDING.—

6 “(1) ESTABLISHMENT OF FUND.—The Director
7 shall establish a fund within the Office of Personnel
8 Management for financing essential Federal Execu-
9 tive Board functions, including basic staffing and
10 operating expenses.

11 “(2) DEPOSITS.—There shall be deposited in
12 the fund established under paragraph (1)—

13 “(A) contributions from the Office of Per-
14 sonnel Management to fund administrative and
15 oversight activities conducted under subsection
16 (d);

17 “(B) contributions from the headquarters
18 of each agency participating in Federal Execu-
19 tive Boards, in an amount determined by a for-
20 mula established by the Director, in consulta-
21 tion with the headquarters of such agencies and
22 the Office of Management and Budget.

23 “(3) CONTRIBUTIONS.—

24 “(A) FORMULA.—The formula for con-
25 tributions established by the Director shall con-

1 sider the number of employees in each agency
2 in each geographic area served by a Federal
3 Executive Board. The contribution of the head-
4 quarters of each agency to the fund shall be re-
5 calculated at least every 2 years.

6 “(B) IN-KIND CONTRIBUTIONS.—At the
7 sole discretion of the Director, the headquarters
8 of an agency may provide in-kind contributions
9 instead of providing monetary contributions to
10 the fund.

11 “(4) USE OF EXCESS AMOUNTS.—Any unobli-
12 gated and unexpended balances in the fund which
13 the Director determines to be in excess of amounts
14 needed for essential Federal Executive Board func-
15 tions shall be allocated by the Director, in consulta-
16 tion with the headquarters of agencies participating
17 in Federal Executive Boards, among the Federal
18 Executive Boards for the activities under subsection
19 (e) and other priorities, such as conducting emer-
20 gency preparedness training.

21 “(g) REPORTS.—The Director shall submit annual
22 reports to Congress and agencies on Federal Executive
23 Board program outcomes and budget matters.

24 “(h) REGULATIONS.—The Director shall prescribe
25 regulations necessary to carry out this section.”.

- 1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
2 The table of sections for chapter 11 of title 5, United
3 States Code, is amended by inserting after the item relat-
4 ing to section 1105 the following:

“1106. Federal Executive Boards.”.

